HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.9730 of 2004

Dated 20th day of September, 2007

Between:

T.K. Padmaja ..
Petitioner

And

Indian Oil Corporation Limited,
Himayatnagar, Hyderabad
and another ..
Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the 1st respondent in proposing to award L.P.G. distributorship in favour of the 2nd respondent, as arbitrary and illegal, and consequently direct the 1st respondent to award the distributorship in favour of the petitioner.

The petitioner asserts that the Indian Oil Corporation, Marketing Division, Southern Region, issued a Notification for filling up posts of LPG Dealers for Kanekal Mandal under Marketing Plan 1999-2000, specifying that persons, who are already distributors of MS Petrol, HSD, Kerosene and LPG distributor of any company, and their close relatives are ineligible to apply. Pursuant to the Notification, the petitioner, the 2nd respondent and 26 others applied for the dealership. After the interview, the list of selected candidates for L.P.G. distributorship for Kanekal Mandal was displayed and the name of the 2nd respondent is shown in the list at Sl.No.1, one N.Ramamurthy's name at Sl.No.2, and the petitioner's name at Sl.No.3. Later, the petitioner submitted a representation to the 1st respondent stating that for the proposed LPG dealership at Kanekal Mandal, the nearest LPG point is M/s.Sridevi Enterprises, Rayadurg, for which, dealership was given to Mrs.Sridevi, W/o.Thippanna and the 2nd respondent is son of Thippana's brother. Therefore, the family of the 2nd respondent is a joint family and he is a close relative to the

existing dealer Mrs.Sridevi, and hence, he is not eligible for the dealership at Kanekal. Now, the petitioner's grievance is that in spite of her representation indicating the ineligibility of the 2nd respondent for the LPG dealership at Kanekal, the 1st respondent, without considering her representation, has proposed to award the dealership to the 2nd respondent.

The 1st respondent has filed counter affidavit *inter alia* denying the affidavit averments and stated that the relationship between the 2nd respondent and the distributor at Raidurg is not disputed. In Paragraph 4 of the counter, it is stated that the Investigating Officer, only after conducting a thorough enquiry and affording an opportunity to the petitioner and others of being heard, concluded that the 2nd respondent was found to be eligible as Mrs.Sridevi does not fall within the prohibited degrees of relationship as per the guidelines.

In the light of the averment made in the counter affidavit, this Court is of the view that the 2nd respondent in whose favour the dealership is granted, cannot be said to ineligible. Further, the petitioner, except stating that the dealership was given to an ineligible person, she has not stated anything as to how she is eligible for allotment of the dealership at Kanekal Mandal.

Hence, this writ petition is devoid of merits, and the same is accordingly, dismissed. No costs.

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20.09.2007

bcj